

**MINUTES**  
**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**UTAH WATER QUALITY BOARD MEETING**

Vernal City Offices  
447 East Main  
Vernal, Utah 84078  
**June 15, 2001**  
10:00 AM

**UTAH WATER QUALITY BOARD MEMBERS PRESENT**

K.C. Shaw, Chair	Mayor John Cushing
Neil Kochenour	J. Ann Wechsler
Mayor Douglas Thompson	Dianne Nielson
Robert G. Adams	

**DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT**

Don Ostler, Walter Baker, Tim Beavers, Paul Krauth, Gayle Smith, Jay Pitkin, J.D. McDonald, Carl Adams, Larry Mize

**OTHERS PRESENT**

<u>Name</u>	<u>Organization Representing</u>
Gordon Pate	Mt. Green Sewer
Byron Elwell	Michael Baker Corporation
Les Mellott	Mt. Green SID
Ron Lawson	Mt. Green SID
Larry Anhder	Nibley City
Brian Davis	Sunrise Engineering
Ted Allen	DEQ District Engineer
Jay Nelson	Nibley City
Laura Vernon	DEQ Public Planning
Brad Rasmussen	Aqua Engineering.
Alden Robinson	Sunrise Engineering
Darrel Leamaster	Castle Valley Special Service District
Andy Hall	Payson City
David Herbert	Payson City
Glade Robbins	Payson City

Chairman Shaw called the Board meeting to order at 10:00 a.m. He welcomed those in attendance and invited the members of the audience to introduce themselves.

## APPROVAL OF MINUTES OF THE MAY 7, 2001 MEETING

Ms. Wechsler and Mr. Shaw noted a few minor changes needing to be made to the minutes.

**Action Taken:**           **It was moved by Dr. Kochenour, seconded by Ms. Wechsler and unanimously carried to approve the minutes of the May 7, 2001 meeting with the noted changes.**

### ENFORCEMENT UPDATE

Mr. Gayle Smith updated the Board on the following enforcement actions:

- 1)     **United Park City Mines Co.** - As a result of violations of their permit limits, the company has entered into a settlement agreement with a penalty of cash and mitigation projects. They agreed to an \$8,489 cash settlement plus a \$10,000 environmental enhancement project.
- 2)     **E. A. Miller, Inc.** - EA Miller had discharge permit violations due to delays by their contractor. Their settlement consisted of a cash payment of \$6,713.00 and a mitigation project of at least \$12,000 working with Natural Resource Conservation Service.

### LOAN PROGRAM

1.     **Financial Assistance Status Report** - Mr. Baker updated the board on the "Summary of Assistance Program Funds" as outlined under Tab 3.1.
2.     **Nibley City (Action Item)** - Mr. Beavers introduced Larry Anhder and Jay Nelson representing Nibley City. On November 11, 1999, Nibley City was authorized a \$5,868,000 funding package for the planning, design and construction of a centralized wastewater collection and conveyance system. Since that time Nibley City has done a detailed design and has gone out for bids on the project. The bids came in higher than originally estimated and Nibley City is now requesting an increase of \$1,036,000 to the project. The bids came in higher due to concerns from the contractors about the groundwater, who felt they needed to incorporate that into their bids since it can be very costly in doing the project. Mayor Nelson thanked the board for their help to this point said they and are excited to see the project proceed. In response to a question by Mayor Cushing, it was clarified the number of ERU's that exist is 600. Ms. Wechsler commented she agreed with the credit for local contributions due to the high amount already being paid by Nibley residents. Mr. Adams questioned if the residents are fully aware that they will have to remove their existing septic systems and pay to get hooked up to the sewer system. Mayor Nelson responded they are aware and the cost will vary according to the distance from the connection. Mr. Ostler questioned the engineering firm on the number of bids received and possibly re-bidding. Mr. Davis, from Sunrise Engineering, responded that all the bids received were close to their estimates and it had been their experience that re-bidding usually just wasted time with similar results.

Mr. Beavers said that it was the staff's recommendation that the previous authorization to Nibley be rescinded and replaced with the following: 1) a Hardship Grant in the amount of \$700,000; 2) a loan in the amount of \$6,104,000 with a 30-year repayment term and a zero (0%) percent interest rate; and 3) a prepayment provision on the 30-year loan which will require additional debt service payments based upon growth. The Utah Division of Finance will bill Nibley City annually for the debt service payment on the bond. In addition to the billing they will ask the City to report the

number of equivalent residential users (ERUs) on the City's sewer system. For each ERU above 600 the City will be billed and will pay an additional debt service payment of \$174 on the next year's debt service payment. Mr. Beavers said that the staff's recommendation was subject to the following special conditions: 1) Nibley must submit a Water Conservation and Management Plan prior to loan closing; 2) Nibley must participate annually in the Municipal Wastewater Planning Program; 3) loan funds will be advanced to the project no sooner than 60 days prior to the time funds are anticipated to be needed. Construction contracts will not be allowed to be awarded until the WQB can be assured that funds will be available to fund the entire project; and 4) the Facility Plan must be approved prior to the release of the Design Advance.

**Action Taken:** **It was moved by Mayor Thompson to rescind the previous authorization and approve a Hardship Grant in the amount of \$700,000 and a loan in the amount of \$6,104,000 with a 30-year repayment term and a zero (0%) percent interest rate, subject to the repayment terms and special conditions contained in the staff's feasibility report. The motion was seconded by Mayor Cushing, and unanimously carried.**

3. **Millville City - (Action Item)** - Mr. Beavers explained that Millville City is requesting an increase of \$196,600 to the \$357,000 Hardship Grant authorized in November 1999 due to an over run in costs which was realized after opening bids for the project. Mr. Beavers said that a major reason for the cost overrun was the long interval between authorization from the board and bid opening (approximately 18 months). Another factor which affected the bid price is the amount of ground water that will be encountered on the project. Once the detailed project design was completed, the severity of the ground water conditions was better defined.

**Action Taken:** **It was moved by Mayor Cushing, seconded by Dr. Kochenour, and unanimously carried to approve the proposed increase of \$196,600 to the previously authorized amount for a Hardship Grant amount of \$553,600, subject to the special conditions of the original authorization.**

4. **Payson City (Action Item)** - Mr. McDonald introduced Andy Hall, City Manager; Glade Robbins, City Engineer; David Herbert, plant operator and Brad Rasmussen from Aqua Engineering. Payson City came before the Water Quality Board in September 1999, and received an authorization for \$5,370,000 to rehabilitate the treatment plant. The bids came in much higher than expected. After additional consideration the city is requesting an increase of \$3,109,000 which would allow for the expansion work and some additional needed work. Mr. Adams asked what interest rate they could expect from issuing a municipal bond, with Mr. Hall responding it could be around 5% or higher. Mr. Shaw clarified that there is a two part cost increase being proposed: an increased scope of work and increased bid costs for the original project. The board is being asked to refinance the entire package. Mr. Adams asked if there was any contribution from the city. Mr. Hall said they would be willing to go before the City Council and request a contribution be included in the next year's budget.

Mr. McDonald said that staff recommends an increase of \$3,109,000 to the current \$5,370,000 authorization for a total loan amount of \$8,479,000 at an interest rate of 4% with a repayment term of twenty years, subject to the following special conditions: 1) sewer service rate increases must be adopted and enacted before loan closing; 2) the city must agree to participate annually in the

Municipal Wastewater Planning Program; and 3) the City must complete a Water Management and Conservation Plan prior to loan closing.

Mr. Shaw questioned how to proceed with this loan, pending the result of a local contribution being approved by the Payson City Council. Mr. Baker suggested the Board authorize a loan to Payson City at the recommended terms. He would then report back to the Board at its next meeting regarding the local contribution which Payson will contribute to the project. The Board's loan will be reduced commensurate with Payson's local contribution to the project.

**Action Taken:** Mr. Adams moved to rescind the original authorization and authorize a loan in the amount of \$8,479,000 at an interest rate of 4% with a repayment term of twenty years, subject to the special conditions contained in the staff's feasibility report. The motion was seconded by Ann Wechsler and unanimously carried.

5. **Mt. Green (1<sup>st</sup> Hearing)** - Mr. Baker introduced Ron Lawson with Mt. Green SID, Byan Elwell with Michael Baker Corp, Les Mellott with Mt. Green SID and George Pate with Mt. Green SID. Mr. Baker explained that Mt. Green SID is requesting assistance from the Board for funding an expansion and upgrade of its existing wastewater treatment facility. The Board approved a \$39,500 planning advance to the District in July of 2000 to help fund a facilities planning study. The District is nearing completion of that study and is now ready to pursue funding for the project. The cost estimate is \$1.3 million which includes the planning advance amount. Mt. Green is proposing a local contribution of \$262,000. Mr. Adams asked if the Rose Hill residents will be levied the \$3,200 impact fee. Mr. Lawson said that had been a consideration and is being worked on.

#### **REQUESTS TO INITIATE RULEMAKING**

1. **Request to initiate rulemaking on UACRR317-6 Ground Water Protection Rules (Action Item)** - Mr. Mize explained the proposed changes encompass editorial changes for clarity, new ground water quality standards, administrative procedure modifications and updating references to new codes and guidance documents. Most of the changes are the results of activities that have occurred in the ground water protection area since the last major modification of the rules in 1994.

**Action Taken:** It was moved by Ms. Wechsler, seconded by Mr. Adams, and unanimously carried to authorize staff to proceed with the rulemaking process and solicit public comment on R317-6.

2. **Request for adoption of changes to R317-550 & R317-1 (Action Item)** - Mr. Pitkin explained that the proposed changes were advertized for public comment from April 15 to May 15, 2001. Comments were received from the Division of Solid & Hazardous Waste asking the reference to their division be changed to the Executive Secretary of their board. Comments were also received from the local health departments concerning septage disposal in an approved landfill, requesting that it should be also with the concurrence of the local health department. Both of these suggestions were accepted and the revised rule reflects this language.

**Action Taken:** It was moved by Mr. Adams, seconded by Mayor Thompson, and unanimously carried to authorize the staff to proceed with the rulemaking process.

#### **REQUEST FOR BOD PETITION**

1. **Ferron City:** Mr. Smith explained that Ferron City has requested a waiver from the 85% removal requirements for BOD and TSS and has met all the requirements of *Utah Administrative Code* R317-1-3.2.E. This request is based upon the fact that the city has significant inflow and infiltration (I & I) in the collection lines which dilutes the influent wastewater, therefore making it difficult to meet the minimum removal requirement consistently. This is compounded by the fact that the lowest influent BOD and TSS concentrations occur in the months of highest effluent concentrations (Algae caused).

**Action Taken:** It was moved by Dr. Kochenour, seconded by Mayor Thompson, and unanimously carried to waive the 85% removal requirements for BOD and TSS.

2. **Ferron City:** Mr. Gayle Smith explained that Ferron has applied for alternate permit limits for BOD and TSS. The city's application has been evaluated and meets the boards criteria for the alternative limits. Staff recommends this application be approved.

**Eureka City:** Mr. Gayle Smith explained Eureka City has applied for alternate permit limits for BOD and TSS. The city's application has been evaluated and it has been determined that the city's lagoons are operating within the organic design capacity and below the hydraulic design capacity. The lagoon system is being properly operated and maintained. There are no significant or categorical industrial users discharging to the sewer. Staff believes this is a reasonable request and asks it be approved.

**Action Taken:** It was moved by Dr. Nielson, seconded by Dr. Kochenour, and unanimously carried to approve alternate BOD/TSS limits for Eureka City and Ferron City.

### **STAFF REPORTS**

1. **CAFO Strategy:** Mr. Fisher reviewed with the board the status of the AFO/CAFO Strategy (distributed a handout). The outreach training materials are completed and in use, and they are in the process of doing a second printing. On farm assessors have been trained and many assessments have been made. The time frame may be set back some, so more can be trained and the assessments completed this following winter. The final state CNMP Guidance and Final General Permit have been completed. Ms. Nielson commended the Division of Water Quality staff on a good job and for establishing a partnership with Farm Bureau and others to help accomplish all the goals set out by EPA.
2. **Dry Gulch/Uintah River TMDL:** Mr. Carl Adams discussed the draft Uinta River Watershed TMDL as outlined in the handout on page 6.1. Mr. Adams said that staff is working in cooperation with the Ute Tribe, along with several state resource agencies in development of the TMDL. Mr. Ostler commented that this kind of TMDL work is going on all over the state and will be for years to come.

**Adjourn:** Ms. Wechsler moved to adjourn and was seconded by Mr. Shaw and was unanimously carried.

The Board then traveled to the new treatment plant managed by the Ashley Valley Sewer Management Board for recognition ceremonies and a plant tour.

**NEXT MEETING**

The next meeting of the Board is scheduled to be held on August 10, 2001 at the Cannon Health Building in Room 125 at 9:30 am.

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K. C. Shaw, Chairman